

**CAIRNGORMS NATIONAL PARK AUTHORITY**

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**MINUTES OF THE PLANNING COMMITTEE**

held at The Grant Arms Hotel, Grantown on Spey  
on 6<sup>th</sup> December 2013 at 11.00am

**Members Present**

Duncan Bryden	Willie McKenna
Dave Fallows	Fiona Murdoch
Jeanette Gaul	Martin Price
Gregor Hutcheon	Gordon Riddler
Bill Lobban	Gregor Rimell
Eleanor Mackintosh (Convener)	Brian Wood
Mary McCafferty	

**In Attendance:**

Simon Harrison, Head of Planning  
Katherine Donnachie, Planning Officer, Development Management  
Fiona Oldroyd, Planning Support Officer  
Jane Shepherd, Development Management Manager  
Karen Major, Development Planning Manager  
Adam Streeter-Smith, Outdoor Access Officer  
Gavin Miles, Strategic Policy & Improvement Manager  
Don McKee, Head of Major Projects & Housing  
Murray Ferguson, Director of Sustainable Development  
Peter Ferguson, CNPA Legal Advisor from Harper MacLeod LLP  
Matthew Hawkins, Senior Heritage Officer

**Apologies:**

Peter Argyle (Vice Convener)  
Angela Douglas  
Katrina Farquhar  
Kate Howie  
John Latham

# APPROVED COMMITTEE MINUTES

## **Agenda Items 1 & 2:**

### **Welcome & Apologies**

1. The Convener welcomed all present and sent Members best wishes to Peter Argyle and his family.
2. The Convener advised that the meeting was being recorded for the purposes of producing the minutes, after which the recording would be deleted.
3. The Convener advised that Paper 2 would be heard before Paper 1, as due to adverse road conditions members of staff were still travelling to the meeting.
4. Apologies were received from the above Members.

## **Agenda Item 3:**

### **Minutes & Matters Arising from the Previous Meeting**

5. The minutes of the previous meeting, 8<sup>th</sup> November 2013, held at The Albert Hall, Ballater were approved subject to the following amendments:
  - Paragraph 34: Was blank – to be removed.
  - Paragraph 11(b): Amended to ‘...had been taken into account...’
6. There were no matters arising.
7. The Convener provided an update on the Action Points from the previous meeting:
  - Action Point at Para. 35: The request for Advice Notes regarding construction hours had been noted by the Planning Officials.
  - Action Point at Para. 39: The request for Advice Notes regarding lighting had been noted by the Planning Officials. An Advice Note had been included in the Decision Notice regarding warning signage for drivers to be aware of cyclists and pedestrians.

## **Agenda Item 4:**

### **Declaration of Interest by Members on Items Appearing on the Agenda**

8. Jeanette Gaul declared an interest in:
  - Item No. 12 (Paper 8) - Direct interest – Due to being an Angus Councillor and sitting on the Development Standards Committee.
9. Bill Lobban declared an interest in:
  - Item No. 6 (Paper 2) - Indirect interest – Due to being Chairman of Aviemore & Cambusmore Enhancement Company, although not specifically named they are involved in the project to deliver the bridge to the An Camas Mor development.

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- Item No. 14 (Paper 10) - Indirect interest – Due to being Chairman of Aviemore & Cambusmore Enhancement Company, although not specifically named they are involved in the project to deliver the bridge to the An Camas Mor development.

10. Fiona Murdoch declared an interest in:

- Item No. 12 (Paper 8) - Direct interest – Due to being an Anti Wind Farm campaigner.

11. Brian Wood declared an interest in:

- Item No. 7 (Paper 3) - Indirect interest – Due to the Applicant being a friend.
- Item No. 8 (Paper 4) - Direct interest – Due to the development being supported by Braemar Community Ltd, of which he is a member and his wife is Vice-Chair.

### **Agenda Item 6:**

#### **Submission of Draft Revised Core Paths Plan**

#### **with Objections to the Directorate for Planning and Environmental Appeals (Paper 2)**

12. The Convener advised that Paper 2 would be dealt with first due to members of staff still travelling to the meeting.
13. Adam Streeter-Smith presented a paper recommending that the Committee acknowledges the work done to date in removing the objections and approves the submission of the Plan along with the outstanding objections to the Minister.
14. The Committee were invited to ask the Officer points of clarification, the following were raised:
  - a) Clarification if the Core Path Plan (CPP) would proceed as part of the Local Development Plan (LDP) or as a standalone document. Adam Streeter-Smith responded that it would take a different course to the LDP as they were 2 different processes, once CPP had been adopted by the CNPA Board & Planning Committee (once directed by the Minister) it could then be taken as Supplementary Guidance to the LDP.
  - b) Welcoming the acceptance of the representation from Ballater RD Ltd regarding the inclusion of the revised route of the Seven Bridges route and expressing appreciation from those involved in the work.
  - c) Clarification of the representation regarding the Spey Bridge. Adam Streeter-Smith advised that it was from Seafield Estate.
  - d) Uncertainty that the designation of the Thieves Road will not result in the significant increase of use of the route due to the CPP not being a promotional document. The inclusion as a CPP could potentially be used in other promotional literature.

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- e) The high level of usage of the Thieves' Road and the current state of repair.
  - f) Clarification if the Spey Bridge was to be part of the An Camas Mor development. Adam Streeter-Smith responded that there would have to be a number of houses built at An Camas Mor prior to funds being available to construct the Bridge. Murray Ferguson advised that the An Camas Mor Section 75 Agreement included financial provision for the Bridge to be constructed, the inclusion in the CPP would help assist the delivery of the Bridge at an early stage of development.
  - g) The route at Tulloch Moor potentially being a King's Road and should not be ignored. Adam Streeter-Smith advised that work was ongoing with the Community Council in order to make the route available for public non-motorised access in the short term.
  - h) Clarification of the Estates referred to in the paper – Seafield & Rothiemurchus.
  - i) The Gaelic name for the Thieves' Road to be included, as well as the apostrophe.
  - j) Surprise at the suggestion for no public meetings to be held. Adam Streeter-Smith responded that it would be the Reporter to decide the format for taking forward the CPP.
  - k) The possibility of compiling all representations into themes, in order to make for easier reading.
15. The Committee acknowledged the work done to date in removing the objections and approved the submission of the Plan along with the outstanding objections to the Minister.
16. **Action Points arising:** CNPA Officers to submit the Plan along with the outstanding objections to the Minister.

### **Agenda Item 5:**

#### **Report on:**

#### **Results of Consultation to Proposed Local Development Plan &**

#### **Approval to Proceed to the Next Stage**

#### **(Paper 1)**

17. Karen Major presented a paper recommending that the Committee note the results of the consultation to the Local Development Plan and give approval to proceed to the next stage.
18. Karen Major advised that since the paper was issued Victor Jordan, Objector 90 had contacted the CNPA to state that he was not satisfied that his representations had only been included in General and Housing Land Supply. It had been agreed that his representation would be included in the Aberdeenshire Template, due to some of his points concerning the housing allocation for Ballater, and move his representation regarding the consultation process to be more explicitly about the consultation process

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rather than how the CNPA went about drawing up the Plan. These changes would be made prior to the LDP proceeding to the next stage.

19. Members were advised of a couple of minor amendments to the Paper – reference to Paper XX, should have read Paper 2 referring to the CPP Paper and paragraph 3.2 had been referenced in the paper when it should have been paragraph 4.2. Members agreed they were happy to proceed with the discussion.
20. The Committee were invited to ask the Officer points of clarification/discuss the paper, the following were raised:
  - a) Clarification on to what extent the LDP can be taken as a material consideration and to what extent the content could be quoted, particularly regarding an area to the north east of EDI in Ballater which falls within the SEPA flood risk. Karen Major advised that the paper was public and so could be quoted from. She also advised that there was a difference in what SEPA said regarding plan allocations and detailed applications – from a plan point of view it would not be allocated but on an application basis a way forward could possibly be found depending on the development proposed.
  - b) The land north east of EDI, Ballater remaining undesignated in the plan. Karen Major responded that it was easier to deal with if undesignated as SEPA would object to any allocation in this area. Simon Harrison advised that any application would be assessed against the current adopted Local Plan, although the LDP once approved for the next stage would start to hold weight as a material consideration. However, it would not start to hold the same weight as the current Local Plan until adopted. At the present time, applications would still be assessed against the current Local Plan.
  - c) Congratulations to the Officers on the amount of hard work done on the Paper and bringing the LDP forward to the current stage.
  - d) Reference to the CNPA not only enabling but delivering housing. Simon Harrison responded that the CNPA were not providers of housing but were one of the critical partners to deliver housing and assist the process. Concern from Members of the word ‘delivery’ in the Paper – it was aspirational for the CNPA to support the delivery of housing but not actually deliver it. Murray Ferguson advised that this issue had been raised at the Developers Forum, it was one of the principles in modernising the planning system to be more plan led and forward looking and disappointment had been expressed by a developer that that stronger emphasis was not being applied on delivery. Simon Harrison advised that allocation of a site did not ensure delivery, it was a partnership approach. Members Comments - the need to manage expectations and discuss a change in wording to reflect the CNPA’s role, potentially ‘...enable and actively support delivery’ or ‘...enable and actively facilitate delivery’.

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- e) Appendix 2, Issue 7 – Climate Change; has suggested wording from Perth & Kinross regarding standards of how far to push developers to minimise their impact – this did not seem to come forward in Appendix 6, but has been left for the Reporter to decide. Karen Major advised that Building Standards were not referred to in policy as they changed more frequently than the LDP – they could be referred to in Supplementary Guidance, which could be more readily updated.
- f) Clarification that the suggested and supported modifications were not significant departures to warrant returning to the Main Issues Report stage.
- g) Concern that change of use of accommodation from tourism to residential being 100% affordable, could be deemed as a major policy change? Karen Major responded that it was a difficult issue and would have different implications for a single house let for holiday purposes and a small hotel. Peter Ferguson advised that it was necessary to distinguish the pros and cons of the proposed modified policy from the consequences of introducing the modification at this stage. He advised that the test was whether a modification had significantly altered or introduced a new policy or proposal; if it did there was a risk the whole plan would need further publicity and an opportunity for further representations. Karen Major suggested removing the wording but retaining the sentiment and leave it for the Reporter to decide. Members support for the sentiment of the policy but concern that the Reporter may change the wording without CNPA involvement. Karen Major stated that she was comfortable with the inclusion of the amended policy; it was still proactive but included a caveat which restricted the onward use of the development. Querying how the policy would be implemented. Karen Major responded that affordable housing in the countryside was required to follow a protocol whereby evidence had to be supplied to demonstrate the affordability. She believed the process would work in the same way for this policy. It could also be covered by a condition on the original planning permission for the tourism accommodation. Simon Harrison gave the definition of Affordable Housing from the LDP Glossary. Members comments – clarification if existing tourism accommodation would be covered by the proposed policy. Karen Major responded that it could apply to both and suggested the policy only applying to single tourism units. Members comments – a potential loophole whereby people could convert tourism accommodation to business use then to residential without restriction. The possibility of the restriction following all potential changes to tourism use. Karen Major advised that this could be conditioned.
- h) Clarification if the Reporter could only accept or reject a policy or could they amend it. Karen Major advised that the issue had only arisen after the consultation stage had closed. Murray Ferguson advised that it could be put forward with intent and suggestions to give the Reporter a steer.

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- i) Concern that the Reporter would query why this policy had not been consulted upon. Karen Major advised that the Reporter would ensure that the process was carried out as it should have been and if consultation were required the CNPA would be informed. She advised the inclusion of the policy only applying to single properties used as tourism accommodation.
- j) Clarification of how this would apply to a house used as a B&B, small hotel or chalets. Karen Major advised that this would depend on the use class and if planning permission were required to convert it to residential accommodation.
- k) Clarification if what was being proposed was legally acceptable. Peter Ferguson advised that there were different interpretations of what was being proposed – either making significant changes to the LDP or introducing new policies/proposals; if it were the latter it could require re-advertising and consultation. He advised that the guidance stipulated that amendments could be made on the results of the consultation or on minor/technical matters. However, if it were something more substantial it would require re-advertising and re-consultation. This is different to a significant change to the Aims of the Plan itself which would require a return to start and a new Plan prepared – the CNPA were not in this position.
- l) The definition of Affordable Housing having floor area of 85m<sup>2</sup> or less. Murray Ferguson advised that the Glossary description of Affordable Housing was defined in policy terms. The floor area specification was included in detailed procedural notes for use when applying the policy. Karen Major suggested that if an application came forward for conversion from tourism to residential it could be considered against housing policy for the area.
- m) Concern that the only way to convert a large Victorian tourism accommodation would be to convert it to flats in order to fit with the policy.
- n) The potential for tourism chalets to be converted to Affordable Housing and sold separately, thereby helping with the shortage of Affordable Homes.
- o) The current trend for building single houses for tourist accommodation.
- p) Loss of hotel accommodation in the countryside being a serious loss to the rural economy.
- q) The need for flexibility due the constantly changing economy and housing need.
- r) The difficulty in understanding the implications involved in amending policy at this stage.
- s) The difficulty in assessing conversions of tourist accommodation against housing policy as there was no reference to Affordable Housing.
- t) Clarification of the Legal Advice received if the policy regarding the conversion of tourism accommodation was left in as currently worded. Members were advised that the Reporter may require the CNPA to consult upon the issue. Clarification of the amendment would be able to be removed at that point should the Reporter require consultation to be carried out, thereby not delaying the LDP process. Peter Ferguson advised that he was unsure if the amendment would be able to be removed at that point. He advised that if the amendment to the policy was to be retained, it

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may be easier to go through the consultation process at this point instead of waiting for the Reporter to insist upon it.

- u) Members agreement to remove the amended policy regarding the conversion of tourism to residential accommodation and the requirement for it to be Affordable Housing, but to leave the sentiment in the LDP for the Reporter to decide upon.

21. Bill Lobban & Brian Wood left the room and returned.

22. The Committee continued to ask the Officer points of clarification/discuss the paper, the following were raised:

- a) Concern about plan versus reality – and the level of housing allocated in settlements, particularly in Newtonmore and if the level of housing is realistic within the life of the LDP. Karen Major responded that there is a gap between the allocations and delivery at the present time and a need to find out why certain sites have stalled in the development process. The CNPA are required to allocate land for development to meet the Housing Needs & Demand Assessment (HNA), moving forward allocations will be monitored against the numbers being delivered.
- b) Clarification if the HNA for the LDP includes existing planning permissions. Karen Major advised that they were included and deducted from the overall figure required in the HNA. It was assumed that any existing planning permission would be developed within the life of the LDP.
- c) A requirement for the housing figures to be broken up and the level of housing expected during the life of the LDP stated. Karen Major replied that this was a good idea.
- d) The requirement for providing a range of types of housing (detached/flats) to accommodate changing circumstances. Karen Major advised that there were development briefs for some sites which covered this issue. However, there wasn't the evidence to limit the types of development for all sites and therefore this was dealt with at the application stage. More work could be carried out in the Supplementary Guidance regarding density of housing.
- e) Clarification if Affordable Housing was based on floor space and the requirement was for a larger property due having a higher number of family members – would this mean it could not be Affordable? Katherine Donnachie responded that the need was not based upon floor space but upon the needs of the particular family – each case was assessed independently by the Highland Small Communities Housing Trust, this is what the Affordable Housing Note endeavoured to set out.
- f) Clarification why some Agencies/Partners were not included in the Action Plan (Appendix 3), for example Transport Scotland and some Communities. Karen Major advised that Members had seen the LDP before and the proposed changes had been highlighted. However, if further changes were required Members were asked to let Officers know at this point. Simon Harrison advised that there was a policy for overarching infrastructure projects, one being the dualling of the A9, the lead agency



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was the Scottish Government of which Transport Scotland was a part – they could be included at this point.

- g) The work in settlements and why Communities were not included as Partners. The need to include Community Councils on community developments. Karen Major advised that this was not to set out how to engage with people but about delivery. She advised that Community Councils with an active role in the delivery of a development would be identified and included.
- h) Other partners missing from Appendix 3 e.g. Implement Cairngorms Nature Strategy, no Partners listed. Karen Major advised that this would be looked at more critically and other partners included.
- i) Clarification if the Participation Statement, Statement of Consultation & Statement of Conformity were the same. Karen Major replied that they were separate and advised that the Participation Statement was produced in the Development Plan scheme every year, the Statement of Conformity advises that the CNPA have conformed with the Participation Statement. The Appendix was the Statement of Consultation.
- j) The potential to make more reference to the depth of the LDP consultation process, the high level of response and the number of communities and groups reached. Members agreed to this change and Karen Major advised that this would be done.
- k) Appendix 2, Issue 5 - Policy 7, Landscape Advice – disappointment that the advice received from SNH regarding an explicit reference to wildness had not been picked up as it appeared to reflect the contents of the Park Plan. Karen Major advised that this could be amended to ‘...a presumption against any development that does not conserve and enhance the landscape character and special qualities of the CNP *including wildness* and in particular the setting of the proposed development.’ Members agreed to this change.

23. The Committee agreed to note the results of the consultation to the Local Development Plan and give approval to the following:

- a) Approved the content of the Schedule 4 document (Appendix 2) subject to the following amendments:
  - Amendments of the word ‘delivery’ to more accurately reflect the CNPA’s role in housing. Wording to be decided by Officers and Head of Planning.
  - Removal of the amended policy regarding the conversion of tourism to residential accommodation and the requirement for it to be Affordable Housing, but to leave the sentiment in the LDP for the Reporter to decide upon.
  - Appendix 2, Issue 5 - Policy 7, Landscape Advice: Amended to ‘...a presumption against any development that does not conserve and enhance the landscape character and special qualities of the CNP *including wildness* and in particular the setting of the proposed development.’

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- b) Agreed to retain the underlying Aims & Strategy of the proposed Cairngorms LDP.
  - c) Approved the proposed minor drafting and technical matters to the proposed Cairngorms LDP.
  - d) Approved the Statement of Conformity with the Participation Statement for submission to Scottish Ministers with the following amendment:
    - Statement of Consultation – more reference to be made to the depth of the LDP consultation process, the high level of response and the number of communities and groups reached.
  - e) Approved the updated information in respect of the Habitat Regulations appraisal record for submission to Scottish Ministers.
  - f) Approved the revised Action Programme for submission to Scottish Ministers with the following amendments:
    - Appendix 3 - Community Councils with an active role in the delivery of a development to be identified and included as a Partner.
    - Appendix 3 – The list of Partners to be more critically assessed and any additional ones included.
  - g) Approved all such information to be submitted to Scottish Ministers together with the Statement of Conformity, Schedule 4 documents, Environmental Report, Habitat Regulations, Appraisal Record, Monitoring Report, Action Programme and other required Reports.
24. **Action Points arising:** All Amendments as stated in Paragraph 23 to be actioned and the documents submitted to Scottish Ministers.
25. The Committee paused for lunch at 13.05.
26. The Committee reconvened at 13:35.
27. Jeanette Gaul left the meeting.
28. The Convener introduced a new member of CNPA staff, Lee Haxton, Communities Support Manager, who was attending the Committee as part of his induction.

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### **Agenda Item 7:**

#### **Report on Called-In Planning Application:**

#### **Erection of Replacement Bridge**

#### **At Corndavon Bridge, Glen Gairn, Ballater**

#### **(Paper 3) (2013/0324/DET)**

29. The Convener informed Members that there were no speakers.
30. Katherine Donnachie presented a paper recommending that the Committee approve the application subject to the conditions stated in the report.
31. The Committee discussed the application and the following points were raised:
  - a) Support for the application.
  - b) A requirement for nest boxes for Dippers/Wagtails to be included as an Advice Note.
32. The Committee agreed to approve the application subject to the conditions stated in the report with an Additional Advice note regarding nest boxes for Dippers/Wagtails.
33. **Action Points arising:** None.

### **Agenda Item 8:**

#### **Report on Called-In Planning Application:**

#### **Installation of Hydropower Scheme Including Construction of Two Intakes, Pipeline, Powerhouse, Electro-Mechanical Equipment and Upgrading of Access Tracks**

#### **At Linn of Corriemulzie, Braemar**

#### **(Paper 4) (2013/0261/DET)**

34. Brian Wood declared an interest and left the room.
35. The Convener informed Members that a request to address the Committee had been received, within the given timescale, from:
  - Applicant / Agent – Alastair Hubbard (Director of Braemar Community Ltd)
36. The Committee agreed to the request.
37. Katherine Donnachie presented a paper recommending that the Committee approve the application subject to the conditions stated in the report.
38. The Committee were invited to ask the Planning Officer points of clarification. No points were raised.

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39. Alastair Hubbard was invited to address the Committee. The presentation covered the following points:
- Community Company formed in 2004, to develop Community projects including Braemar Castle and various foot bridges.
  - In discussion with Invercauld estate on this project since 2007.
  - Thanks to Planning Officers for dealing with application expediently.
  - Project having large economic benefit to Community.
  - Condition 4 – Storage of turfs, been advised difficult to satisfy but not impossible.
  - Condition 6 – Planting of broad leafed trees, not been discussed, commercial forestry not associated with Hydro Scheme and therefore not believed to be reasonable.
  - Condition 7 – Maintenance of tree planting, not discussed.
  - Condition 8 – Inclusion of pigging chamber in power house, not believed to be workable. Also reference to removal of existing power house. However, no access to it and would have environmental impacts.
  - Condition 14 & 15 – Improving access to the falls – believed to be prohibitively expensive and a health and safety issue. Although happy to look at interpretation.
40. The Committee were invited to ask questions of the speaker and the following points were raised:
- a) The application having many conditions required to be fulfilled prior to works actually starting on site, which could have been dealt with prior to the application coming forward for determination. Alastair Hubbard responded that they had a pre-accreditation deadline for feed-in tariffs to meet at the end of December, if not met the scheme could be unviable.
  - b) Clarification of the acceptance of the conditions being proposed. Alastair Hubbard advised that they were satisfied with the conditions being proposed.
  - c) Clarification of the training that takes place in the area. Alastair Hubbard advised that it was Mountain Rescue training and that improving the access to the falls may have health and safety implications due to the terrain and the loose ground cover.
  - d) The requirement for the development to obtain a CAR licence from SEPA. Alastair Hubbard advised this had recently been received.
  - e) Clarification if the maintenance for the woodland planting was outwith the control of the Applicant and therefore realistic to deliver. Alastair Hubbard advised that this issue had not been discussed.
  - f) The potential for the degradation of the Salmon spawning ground between the intake and downstream and the requirement of the woodland planting to mitigate against this issue. Katherine Donnachie responded that the DDSFB were satisfied with the proposal and believed it would have no effect on existing or migratory fish in the burn.

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- g) The environmental designations and existing species in the area and how they would be protected. Alastair Hubbard advised that all the necessary surveys had been carried out to the satisfaction of the Planning Authority. Katherine Donnachie advised that Otter and Squirrel surveys had been carried out and no disturbance had been found. However, due to the mobile nature of Otters and Squirrels it was a condition that further surveys should be carried out prior to work starting on site.
- h) Not enough detail regarding the access to the falls. If an access was created would it increase footfall to the falls and therefore require barriers to address health and safety issues. Alastair Hubbard responded that the falls were beneath the road bridge and indicated where the track was to be located. He advised that a viewing platform would not be workable due to existing trees and ground cover. The Applicants were happy to provide interpretative material but any other access would not be workable.

41. The Convener thanked the speaker.

42. Katherine Donnachie responded to some of the points raised:

- a) Condition 4 – Included in Ecology Officers comments and was sent to Agents. Not particularly onerous to expect turfs to be stored correctly.
- b) Condition 6 – Included in landscape Officers comments and was sent to Agents. Compensatory riparian planting most important other planting may be less essential.
- c) Condition 7 – crucial condition, discussed with Agents who advised were happy to sign up to this aspect. Essential that maintenance gets carried out.
- d) Condition 8 – discussed with Agent, could create issues therefore included ‘or careful use’ and therefore give options for the development.
- e) Condition 14 – Part of the overall interpretation of the site and cultural interest.
- f) Condition 15 – The improved interpretation and access to the falls was first raised in the Environmental Statement submitted by the Applicant. The condition prohibits the start of work to the power house. Murray Ferguson clarified that information would have to be submitted prior to works starting and the Applicant has stated they have no intention of doing that. Also, the track works to the falls may require separate planning permission and be potentially hazardous to access. Therefore could the condition be potentially removed? Katherine Donnachie responded that the Condition could be removed but the requirement for interpretive material, as specified in Condition 14, was important. Members agreed the removal of ‘...the viewing of the falls’ from Condition 14 and the removal of Condition 15.
- g) Condition for removal of power house – had been agreed with Agents.

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43. The Committee discussed the application and the following points were raised:
- a) The Committee could agree the recommendation but there were still many conditions to fulfil prior to the development starting. Therefore, how this would be addressed if some of the conditions were not agreeable to the Applicant.
  - b) Sympathy for the Applicants not wishing to remove the existing power house. The possibility of retaining it. Katherine Donnachie replied that the power house is not of particular cultural heritage, it would benefit the landscape by the removal of the building.
  - c) The capital costs of such a hydro scheme and the further financial implications of requiring the removal of the existing power house.
  - d) Clarification if leaving the existing power house would contravene the CNPA's landscape policy. Matthew Hawkins responded that the landscape enhancement by the removal of the power house along with the additional planting combined to make the overall package of works.
  - e) Clarification if leaving the existing power house would be sufficient to refuse the application on landscape terms. Matthew Hawkins advised that it would not. Members agreed to remove the requirement for the removal and reinstatement of the existing power house.
  - f) Clarification how compensatory planting could be carried out if the Applicant had no control of the land. Katherine Donnachie stated that letters had been received from both the Applicant and the Estate confirming that they were in agreement to carrying out the planting. Katherine Donnachie advised that the Applicant had now intimated at the meeting that they could carry out the planting but not the ongoing maintenance. Peter Ferguson advised that it would be normal for this issue to be dealt with via a Section 75 Legal Agreement, although this could be slightly onerous. A letter would not have sufficient control over the ongoing maintenance.
  - g) Clarification that a way forward would be sought whether via Legal Agreement or letter to allow the maintenance to take place. Peter Ferguson advised that amend Condition 7, Bullet Point 3 'confirmation that the Applicant has the legal right to plant and maintain these areas'.
  - h) Compensatory planting being on the edge of commercial woodland which could be felled. It was felt this was a reasonable requirement.
  - i) Clarification of the inclusion of the pigging chamber. Katherine Donnachie advised it could either be located inside the power house or designed to fit in with the landscape.
  - j) A requirement for photos of existing buildings to be included in future presentations to Committee.

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44. The Committee agreed to approve the application subject to the conditions stated in the report with the following amendments:

- Condition 7, Bullet Point 3: Confirmation that the applicant has the legal right to plant and *maintain* these areas.
- Condition 8, Bullet Point 7: removal of 'Removal and reinstatement of former power house.'
- Condition 14: removal of '...improve the viewing of the falls.'
- Condition 15: to be removed.

45. **Action Points arising:** None.

46. Brian Wood returned.

### **Agenda Item 9:**

#### **Report on Called-In Planning Application:**

#### **Erection of Signage**

#### **At Bluebird Bus Depot, 4 Golf Road, Ballater AB35 5RE**

#### **(Paper 5) (2013/0341/ADV)**

47. Simon Harrison presented a paper recommending that the Committee approve the application subject to the conditions stated in the report.

48. The Committee agreed to approve the application subject to the conditions stated in the report.

49. **Action Points arising:** None.

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### **Agenda Item 10:**

#### **Report on Called-In Planning Application:**

#### **Conversion of the Hotel into 2 No. Flats and Demolition of Small Single Storey Lean-to Extension to the Rear**

#### **(Detailed Planning Permission);**

#### **Demolition of Small Single Storey Lean-to Extension to the Rear of the Hotel; Interior Works to Convert the Hotel into 2 No. Flats**

#### **(Listed Building Consent)**

#### **At Strathspey Hotel, High Street, Grantown on Spey**

#### **(Paper 6) (2013/0275/DET & 2013/0282/LBC)**

50. The Convener informed Members that a request to answer questions had been received, within the given timescale, from:

- Applicant / Agent – Kevin MacLennan, Agent & Bob Williams, Applicant

51. The Committee agreed to the requests.

52. Simon Harrison presented a paper recommending that the Committee approve the application subject to the conditions stated in the report.

53. No questions were asked of the Agents.

54. The Committee discussed the application and the following points were raised:

- a) The application being a welcome improvement to the site.
- b) Can Condition 6 for the provision of home working and high speed broadband be confirmed? Simon Harrison advised it had been recommended by the CNPA Economic Development Officer, as it was a policy aspiration in the CNP Partnership Plan and met the tests for a condition and enforceability.
- c) Concern about who would determine the level of infrastructure for the broadband supply. Murray Ferguson advised that work was being done in this area and the CNP were looking at taking a proactive approach. A seminar was being organised for February on this issue.
- d) The need for discussion to take place on home working and the broadband prior to using conditions about them. The possibility of including it as an Advice Note. Members agreed to it being included as an Advice Note.
- e) What differs in the construction of the flats which makes them 'no frills' as referred to by the Agents from other developments. Simon Harrison responded that at the present time this was unknown.



## APPROVED COMMITTEE MINUTES

55. The Committee agreed to approve the applications subject to the conditions stated in the report with the following amendment:

- Condition 6: to be removed as a Condition and included as an Advice Note.

56. **Action Points arising:** None.

### **Agenda Item 11:**

#### **Report on Called-In Planning Application:**

#### **Erection of Cabin and Storage Container to Provide Accommodation for Marine Scotland Operatives, Screen Fencing and Formation of Hardcore Turning/Parking Area Including Change of Use of Agricultural Land to Sui Generis**

#### **Land to North East Of Baddoch, Glen Clunie, Braemar (Paper 7) (2013/0238/DET)**

57. Fiona Oldroyd presented a paper recommending that the Committee approve the application subject to the conditions stated in the report.

58. The Committee discussed the application and the following points were raised:

- a) The disappointing design of the proposed building.
- b) The apparent excessive area of required parking. Fiona Oldroyd advised that given the level of usage it could be that the hardcore was not required.
- c) Proposing the removal of Condition 5 regarding hardcore. Simon Harrison advised that the removal of Condition 5 would still leave hardcore on the site, if this was still an issue then the Committee should refuse the application.
- d) The potential to reduce the area of hardcore. Simon Harrison advised that this would not be possible as the area was defined on the plans submitted.
- e) The potential for cladding buildings of this type. Murray Ferguson advised that there had been general discussions regarding design. However, the Committee were often reluctant to refuse an application on design grounds. Deferral was not recommended as it just prolonged the decision making process and often the best option would be to go for a decision whether or not this was against Officer recommendation.
- f) Clarification if the building was of a temporary nature. It was confirmed that as the application was not for temporary use, it was to be presumed that the building was to be permanent.
- g) The possibility of using 'grasscrete' instead of hardcore.
- h) The application not doing anything to enhance the landscape character of the CNP and therefore should be refused.
- i) An expectation that a Government organisation would come up with a better design.

## APPROVED COMMITTEE MINUTES

59. A proposal that the application should be Refused as being contrary to Policy 6, Landscape and Policy 16, Design of the CNP Local Plan.
60. The Committee agreed to refuse the application as being contrary to Policy 6, Landscape and Policy 16, Design of the CNP Local Plan.
61. **Action Points arising:** Planning Officers to prepare and issue Decision Notice based upon Planning Committee reasons for refusal.

### **Agenda Item 12:**

#### **Report on Consultation Response to Angus Council**

#### **On Erection of 3 Single Wind Turbines**

#### **At Field 200m North West of Buckhood Cottage, Glen Prosen**

**(13/00900/FULL)**

#### **At Field 100m West of Glentairie, Glen Prosen**

**(13/00899/FULL)**

#### **At Field 150m North of Spott Cottage, Glen Prosen**

**(13/00898/FULL)**

**(Paper 8)**

62. Fiona Murdoch declared an interest and left the room.
63. Katherine Donnachie presented a report and recommended that the Committee agree a response of No Objection be submitted on all three consultations.
64. The Committee were invited to ask the Planning Officer points of clarification, the following were raised:
- a) A wish for photomontages to be provided. Katherine Donnachie agreed and stated that the CNPA only received what had been submitted by the Applicant.
65. The Committee agreed that the response of no objection be submitted on all three applications.
66. **Action Points arising:** The consultation response to be submitted to Angus Council.
67. Fiona Murdoch returned.

## APPROVED COMMITTEE MINUTES

### Agenda Item 13:

#### **Report On Consultation Response to Scottish Government: Draft Scottish Planning Policy: 'Sustainability and Planning' (Paper 9)**

68. Gavin Miles presented a report and recommended that the Committee note the proposed changes to the draft SPP and agree the key points of the CNPA's response and delegate responsibility for the submission of the response to Officers.
69. The Committee were invited to ask the Officer points of clarification, the following were raised:
- a) A wish to see the policy principle details reinforced in the response.
  - b) Clarification of the wording of Question 1. Gavin Miles advised that the meaning of the term 'development' was fairly standard in the planning system, the use of the term 'sustainable development' had tried to be tied to the UK approach and internationally used way of describing it.
  - c) The need to balance ecological pressures on development, and a requirement for standardised measures and clarity to ensure that Planning Authorities and professional advisors are using the same standards.
  - d) The need to include reference to cumulative impact of developments in Question 2.
70. The Committee noted the proposed changes to the draft SPP and agreed the key points of the CNPA's response and delegated responsibility for the submission of the response to Officers in conjunction with the Convener and Vice-Convener with the following amendments:
- Question 1: The inclusion of a requirement for standardised measures and clarity to ensure that Planning Authorities and professional advisors are using the same standards.
  - Question 2: The need to include reference to cumulative impact of developments.
71. **Action Points arising:** The amendments to be incorporated, the response to be circulated to the Convener and Vice-Convener and submitted to the Scottish Government.

## APPROVED COMMITTEE MINUTES

### **Agenda Item 14:**

#### **Report on An Camas Mòr: Update and Minor Revisions to Conditions (Paper 10)**

72. Don McKee presented an update report on An Camas Mor and recommended that the Committee agree the proposed minor changes to the planning conditions with an amendment to Condition 3 to read ‘...been submitted to and approved *in writing* by the CNPA.’
73. The Committee were invited to ask the Head of Major Projects & Housing points of clarification. No points were raised.
74. The Committee agreed the proposed minor changes to the planning conditions with the following amendment:
- Condition 3: to read ‘...been submitted to and approved *in writing* by the CNPA.’
75. **Action Points arising:** None.

### **Agenda Item 15:**

#### **Report on Planning Obligation Processes and Procedures (Paper 11)**

76. Simon Harrison presented a report on Planning Obligation Processes and Procedures and recommended that the Committee note the paper for information, use as best practice and approve as suggested new way of working.
77. The Committee were invited to ask the Head of Planning points of clarification, the following were raised:
- a) Clarification if consultation had been carried out with Developers on this issue. Simon Harrison responded that this had been raised at the Developers Form, but no formal consultation had been carried out. It would be promoted as best practice and the message conveyed in as many ways as possible.
  - b) Clarification if this proposal would affect the timescale for determining applications and therefore affect the planning statistics. Simon Harrison advised that at the present time, the clock did not stop until a Decision Notice had been issued and so included the length of time required to conclude any Legal Agreement. Any difference this proposal would make would only be an improvement. Murray Ferguson concurred with this statement and advised it would help to speed up the determination process.
  - c) Welcoming the proposal and in terms of local perception a requirement to communicate the CNPA’s active efforts to speed up the determination process.

## APPROVED COMMITTEE MINUTES

- d) Clarification if Applicants would still be able to withdraw applications. Simon Harrison advised that they would, all options currently available to Applicants would still be available to them.
- e) Clarification of the cost implications for re-submitting an application. Simon Harrison advised that as long as there were not substantial changes to a withdrawn application, Applicants would still have an opportunity to resubmit within 12 months of original submission date without incurring a further fee.
- f) Circumstances where a Legal Agreement is only identified at the determination Committee stage. Simon Harrison responded that such Legal Agreements would have to be dealt with accordingly and at that point.

78. The Committee noted the paper for information, use as best practice and approved the suggested approach as a new way of working.

79. **Action Points arising:** Efforts to be made by Head of Planning to raise awareness of the change in approach e.g. at next Developers Forum in February 2014.

### **Agenda Item 16:**

#### **Any Other Business**

80. There was no other business.

81. **Action Points arising:** None.

### **Agenda Item 17:**

#### **Date of Next Meeting**

82. Friday 17<sup>th</sup> January 2014 at The Community Hall, Boat of Garten.

83. Committee Members are requested to ensure that any Apologies for this meeting are submitted to the Planning Office in Ballater.

84. The public business of the meeting concluded at 4.00pm.